



MICHIGAN
SUPREME
COURT

ANNUAL REPORT 2001

CHIEF JUSTICE

Maura D. Corrigan

JUSTICES

Michael F. Cavanagh

Elizabeth A. Weaver

Marilyn Kelly

Clifford W. Taylor

Robert P. Young, Jr.

Stephen J. Markman



FROM LEFT TO RIGHT:
Justice Robert P. Young, Jr., Justice Marilyn Kelly, Justice Michael F. Cavanagh,
Chief Justice Maura D. Corrigan, Justice Clifford W. Taylor,
Justice Elizabeth A. Weaver, Justice Stephen J. Markman

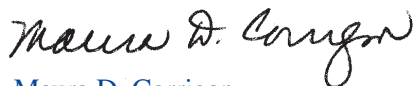
a message from Chief Justice Maura D. Corrigan

As I write this, it is now six months to the day from September 11. For our nation, as for the rest of the world, the year 2001 will always be associated with that terrible morning.

Michigan's "One Court of Justice" faces new and unprecedented challenges in the wake of September 11. This Annual Report begins with a description of steps this Court is taking to protect Michigan's courts, and all who come to the courts, from terrorism, crime, and other threats to security.

Clearly, the everyday work of ordered liberty must go on, even in the face of terrorism. The Report also focuses on improvements to Michigan's justice system. Some of these efforts have been completed; others are works in progress. Whether the project involves rethinking court organization, perfecting paperless filing, or improving collection of child support, the goal is always the same: a justice system that serves the people of Michigan.

As our "One Court of Justice" looks back on the first year of the 21st century, we recall two exemplary lives, two former Chief Justices of this Court, who passed away in 2001: James H. Brickley and Mary Stallings Coleman. They were members of what has been called "The Greatest Generation"; as is typical of their generation, their lives were dedicated to the ideals of public service and personal integrity. In their passing, we are reminded how vital is this enterprise, this work we have, of doing justice.



Maura D. Corrigan
Chief Justice, Michigan Supreme Court
March 11, 2002

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2001 HIGHLIGHTS

Security

While court security has always been an important concern, the events of September 11 emphasized the need for proactive security planning. The day after the attacks, the Supreme Court issued a directive to all Michigan trial courts asking for their cooperation in security planning. Thanks in part to information provided by the trial courts, the Supreme Court will coordinate security training in early 2002 for emergency services coordinators in each court. The Court also began issuing regular security updates to keep trial courts informed about security matters, such as procedures for handling suspicious mail. In addition, for the first time, the judicial branch will be included on the State Department Emergency Management Coordinators. The group advises the Governor and the director of the Michigan State Police in developing emergency plans and operations.

Earlier in 2001, the Supreme Court directed trial courts to develop policies on weapons screening. The Court set its own policy regarding weapons in the Supreme Court courtroom. The Court also directed the State Court Administrative Office to develop courtroom security standards and model policies. Draft standards have been published for comment and will be finalized in early 2002.

Child Support Enforcement

Michigan is the only state that has a Friend of the Court (FOC) as the agency responsible for enforcing child support and parenting time. According to statistics released in 2001 by the federal Office of Child Support Enforcement, which reviewed all states' child support collections for FY2000, Michigan had child support collections of \$509,418 per full-time employee (FTE) — more than \$200,000 per FTE above the national average of \$306,927 per FTE. Only two other states, South Carolina and Wisconsin, had higher collections per FTE than Michigan.



The Child Support Enforcement System (CSES) is a computer system mandated by federal law; in Michigan, it is managed by the Family Independence Agency. CSES makes it possible to track down parents who fail to pay child support. As of January 1, 2001, ten Michigan counties had not converted to CSES, and the state faced millions of dollars in federal penalties. All ten counties, including Wayne County, converted their caseloads to CSES by the October 1 deadline. More than 500,000 of the state's 800,000 active cases were converted during that nine-month period. Michigan now awaits federal certification of the CSES system. If certified, Michigan could recoup several million dollars in federal sanctions that the state has already paid, in addition to avoiding future penalties.



Michigan Hall of Justice

The groundbreaking ceremony for the Michigan Hall of Justice was held in October 1999. Construction will be complete in fall 2002. The Michigan Judiciary's new home is located at the west end of the mall facing the Capitol building.

The 280,000-square-foot building will house the Supreme Court, the Michigan Court of Appeals (Lansing Office), and the State Court Administrative Office, including the Michigan Judicial Institute. First floor facilities include a conference center and a 3,500-square-foot public learning center to inform students and adults about the Michigan judiciary. A dedication ceremony is scheduled for October 8, 2002.

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Collections

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Court-imposed fines support a wide range of public services, including libraries, road projects, and local governments. In the Iron County Trial Court and the 46th Circuit Court judges tested a "pay when sentenced" approach to collecting fines and costs. The courts' success—judges reported a 100 percent collection rate during the first day alone—was one of the factors leading to the adoption of new Michigan Court Rule (MCR) 1.110 in October 2001. This rule, which took effect on January 1, 2002, states that court fines and costs are due at the time they are imposed. Trial Court Collections standards were issued in 2001 as well. More information about collections standards for courts can be found on the web at: <http://courts.michigan.gov/scao/resources/standards/index.htm#collect>.



Court Reorganization/Innovation

What is the best way to structure Michigan's trial courts? Should circuit, probate and district courts be consolidated into a single trial court? Should one court hear all family issues?

These are among the issues being explored in the seven Demonstration Project Courts (Barry, Berrien, Iron, Isabella, Lake, and Washtenaw Counties, and 46th Circuit, which includes Crawford, Kalkaska, and Otsego Counties). The Demonstration Project Courts, which began in 1996, combined circuit, probate and district courts into a single trial court. All demonstration court judges have full authority to hear all cases within each court's jurisdiction.

A September 2001 study conducted by the National Center for State Courts (NCSC) concluded that "[a]ll of the consolidated courts are generally making more efficient use of judicial and quasi-judicial resources under the demonstration projects than the pre-consolidation courts." In addition, the NCSC study found that the project courts:

- hastened the delivery of justice to families;
- reduced their net operating costs and improved management of court revenues;
- reduced the size and age of pending caseloads; and
- made effective use of technology.

The consolidated courts are generally making more efficient use of judicial and quasi-judicial resources.

In 2001, the Supreme Court also instituted the Next Generation Model Trial Courts Project. The courts involved in this project focus on consolidating key management processes and on using technology to integrate management functions. Circuit, probate, and district courts in Arenac, Cheboygan, Genesee, Kalamazoo, Marquette, Midland, Muskegon, Ogemaw, and Roscommon Counties, and circuit and probate courts in Eaton, Ingham, Oakland and Livingston Counties became program participants in 2001. A more detailed description of the project is available at <http://www.supremecourt.state.mi.us/nextgeneration/index.htm>.

A series of public hearings was held in 2001 on court reorganization and other topics. The Supreme Court will submit a final court reorganization proposal early in 2002 to the Legislature.

Web Presence

On October 10, 2001, a “One Court of Justice” web page debuted. (The site address is <http://courts.michigan.gov>.) The page features links to the Michigan Supreme Court, Michigan Court of Appeals, state trial courts, and State Court Administrative Office. Supreme Court and Court of Appeals opinions are available through those courts’ web sites. In addition, the page offers links to Michigan laws, court rules, and educational resources, such as the Supreme Court Learning Center, which includes special programs for children studying the justice system. A wide variety of court forms are also available through the site, for use in civil cases, adoption, garnishment, landlord and tenant, personal protection orders, small claims, trusts and estates, and many more types of legal matters.



Technology and the Courts



Computer and Internet technology present challenges for the courts, as well as many potential benefits: Internet access to court information, electronic filing, payment of court obligations. Thanks to the “Cyber Court” created by Public Act 262 of 2001, Michigan’s “One Court of Justice” will have a laboratory for integrating electronic legal practice into Michigan’s justice system. The Cyber Court, which is due to begin operating on October 1, 2002, will serve as a model for technological innovations in Michigan courts. The Cyber Court will also offer a forum for swift resolution of business and commercial actions, including those involving information technology, software, or web site development, maintenance or hosting.

The Supreme Court’s Technological Advisory Group (TAG), which is chaired by Justice Robert P. Young, Jr., is developing a strategic technology plan for Michigan courts. The group includes judges from the Michigan Court of Appeals, trial court judges, court administrators, and members of the State Bar of Michigan. TAG is studying the current state of judicial branch technology, including the variety of case management systems used by Michigan courts.

In October 2001, the “Judicial Technology Improvement Fund,” which was established by the Legislature, opened with an appropriation of \$2.09 million. The fund will support the development of a statewide telecommunications infrastructure, with the goal of sharing information among courts, state and local executive agencies and with the public. The fund will also provide grants to local governments that fund trial courts to explore such innovations as electronic filing and on-line payment of court fines and fees.

Michigan Drug Treatment Courts

Michigan's drug treatment courts help substance-abusing offenders break the hold addiction has on their lives. But what is a "drug court"?

Drug treatment courts are special dockets within the district and circuit courts dealing with nonviolent drug and alcohol offenses. Drug court participants are required to enter a plea of guilty and participate in judicially-supervised treatment and other services with ongoing random testing for alcohol and other drugs for approximately one year.

Michigan currently has 26 drug treatment court programs in various stages of planning and development. The drug courts are funded through the Michigan Drug Court Grant Program created by Public Act 137 of 1999. Funding for the program has been continued each year since 1999. Beginning in FY2002, the Department of Community Health/Office of Drug Control Policy will collaborate with the State Court Administrative Office and provide funding assistance for drug treatment court programs in Michigan.

Protecting Children

Across the country, courts are taking a hard look at how they can help protect children from abuse and neglect, and Michigan is no exception. Through Michigan's participation in the federally-funded Court Improvement Project (CIP), state courts are learning better ways to manage child protection proceedings. Michigan CIP projects include:

- **Permanency Planning Mediation**
Program. This program, with pilot projects in 11 sites, examines whether mediation helps children in foster care find permanent homes. Neutral mediators help parents and other parties resolve issues over where children will live and what services families need. An evaluation of the process will be completed in 2002.
- **Absent Parent Protocol Project.** When children are at risk, noncustodial parents need to be located and involved in protection proceedings. This project helped courts and the Family Independence Agency (FIA) develop methods for doing so. The Absent Parent Protocol will be implemented statewide in 2002; its use will be evaluated by the Foster Care Review Board. [continued on next page](#)



Protecting Children continued from previous page

- **Collaboration with the Family Independence Agency.** Courts are working with FIA on a variety of child protective proceedings issues, including implementing the Adoption and Safe Families Act.
- **Michigan Guardians Ad Litem Statute.** With funds from the Governor's Task Force on Children's Justice, Michigan's statute governing the appointment of lawyer-guardians ad litem will be evaluated.

CIP funding has also supported the following: development of the *Child Protective Proceeding Benchbook*; publication of *Guidelines For Achieving Permanency in Child Protection*; expansion of the Court Appointed Special Advocate Program; numerous training programs for judges, referees, court staff, lawyers, and social service agencies; and mini-grants for court-initiated projects, such as the redesign and furnishing of "child friendly" waiting areas.

Alternative Dispute Resolution

With new court rules adopted in 2000, the Supreme Court paved the way for trial courts to offer dispute resolution processes beyond traditional litigation. Litigants may now request or be ordered to try to resolve their dispute through one of many alternative dispute resolution processes.



In mediation, a neutral third person helps parties identify options for resolving the matter, resulting in a solution the parties themselves have designed. Mediation is being used in virtually every type of civil matter, including land use disputes, problems in commercial transactions and employment conflicts. In the family division, family members can focus on solving the problems at hand, whether in incorrigibility, domestic relations, or "family feuding" disputes. In the probate court, contested child and adult guardianship proceedings and estate matters can be collaboratively resolved through mediation as well.

As an increasing number of attorneys are trained through six SCAO-approved training programs, the use of mediation as a successful dispute resolution process is expected to increase considerably in the years ahead. [continued on next page](#)

Alternative Dispute Resolution continued from previous page

Community Dispute Resolution Program. Through this program, administered by the State Court Administrative Office, both litigants and persons who have not yet filed lawsuits may resolve matters through the mediation process. Grant funding provided to 24 nonprofit agencies throughout the state support a network of trained volunteer mediators.

While mediated matters may include virtually any type of civil matter filed in district court, increasingly, mediators are helping to resolve complex civil matters. Housed within this program are the Michigan Agricultural Mediation Program, Michigan Special Education Mediation Program, and the Permanency Planning Mediation Program. In 2001, the program experienced a 22% increase in the number of matters mediated. Parties reached agreement in 75% of the matters, and the average case was disposed of within 21 days.

Trial Court Management Activities

The State Court Administrative Office (SCAO) assists and oversees chief judges and judges of 244 trial courts, and their trial court staff, on trial court management matters. SCAO collects, analyzes, and publishes management information regarding operations of trial courts. This information is used by the Supreme Court and SCAO to evaluate Michigan courts' performance and to make decisions regarding court operations. SCAO undertook a wide range of activities in 2001 to support Michigan's judiciary:

- The completion of 25 management assistance projects covering facility reviews, security reviews, personnel studies, operational reviews, and procedural reviews.
- The development of guidelines, training programs, model administrative orders and public notices to implement Supreme Court Orders concerning collections, security policies for trial courts, and video proceedings for the family division of the circuit court and the probate court.
- Extensive training to support Case File Management Standards and corresponding assistance in addressing records management, records retention, imaging options, and records destruction.
- The development of informational documents and training in conjunction with other state agencies to assist trial courts and system providers in implementing legislation. SCAO provided particularly significant assistance to implement legislation concerning DNA testing and assessment, domestic violence, carrying a concealed weapon, and civil infraction assessments. [continued on next page](#)

Trial Court Management Activities continued from previous page

- In 2001, a five-year project to revise the Michigan Trial Court Caseload Reporting System was completed. The project included developing specifications for tracking and collecting caseload information. Trial courts are now using the new system to report filing and disposition information. Training for all courts and computer system vendors servicing the courts was conducted in the fall of 2001. System characteristics include:
 - The Caseload Reporting System (CRS) is web-based.
 - Courts may either enter caseload data manually or download data from their electronic systems.
 - On-line help is available.
 - The system includes security features.
 - Data is available to system users as soon as it is submitted.
 - The system provides automated monitoring and follow-up for delinquent reports.
 - The system offers a wide variety of output reports.
- During 2000 and 2001, the State Court Administrative Office undertook an extensive revision of the weighted caseload system, which uses caseload and case processing information to estimate judicial workloads. The weighted caseload system was updated to reflect modifications in court organization stemming from the creation of the family division, as well as changes in both civil and criminal jurisdiction. The revision is one of the most extensive judicial workload data collection studies ever conducted in the United States. Over half of all trial court judges and 359 judicial officers participated. Ninety-five thousand hours of case-related work data were reported and 220,000 cases were resolved as part of the study. The revised weighted caseload system was used to estimate judicial workloads and make judicial resource recommendations to the legislature.

The revision of the weighted caseload system is one of the most extensive judicial workload data collection studies ever conducted in the United States.

For more information about SCAO, visit <http://courts.michigan.gov/scao/>.